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Board of Vocational Nursing  
and Psychiatric Technicians

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**BEFORE THE  
DEPARTMENT OF CONSUMER AFFAIRS  
BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2007-146

SAROO F. BIKOORYERDI AKA SARDO  
BIKOOYEROI

**A C C U S A T I O N**

1417 Virginia Avenue  
Glendale, CA 91202  
Vocational Nurse License No. VN-224817

Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this  
Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational  
Nursing and Psychiatric Technicians (Bureau), Department of Consumer Affairs.

2. On or about December 13, 2006, the Bureau issued Vocational Nurse  
License Number VN-224817 to Saroo F. Bikooyerdi aka Sardo Bikooyeroi (Respondent). The  
Vocational Nurse License was in full force and effect at all times relevant to the charges brought  
herein and will expire on June 30, 2010, unless renewed.

**JURISDICTION**

3. This Accusation is brought before the Bureau under the authority of the  
following laws. All section references are to the Business and Professions Code unless otherwise

1 indicated.

## 2 STATUTORY PROVISIONS

3 4. Section 118, subdivision (b) of the Code provides in pertinent part that the  
4 expiration of a license shall not deprive the Bureau jurisdiction to proceed with a disciplinary  
5 action during the period within which the license may be renewed, restored, reissued or  
6 reinstated. Under section 2892.1 of the Code, the Bureau may renew an expired license at any  
7 time within four years after the expiration.

8 5. Section 490 of the Code provides in pertinent part that the Bureau may  
9 suspend or revoke a license when it finds that the licensee has been convicted of a crime  
10 substantially related to the qualifications, functions or duties of a licensed vocational nurse.

11 6. Section 493 of the Code states in pertinent part that "in a proceeding  
12 conducted by a board . . . to suspend or revoke a license or otherwise take disciplinary action  
13 against a person who holds a license, upon the ground that . . . the licensee has been convicted of  
14 a crime substantially related to the qualifications, functions, and duties of the licensee in  
15 question, the record of conviction of the crime shall be conclusive evidence of the fact that the  
16 conviction occurred, but only of that fact, and the board may inquire into the circumstances  
17 surrounding the commission of the crime in order to fix the degree of discipline or to determine  
18 if the conviction is substantially related to the qualifications, functions, and duties of the licensee  
19 in question."

20 7. Section 2875 of the Code provides in pertinent part that the Bureau may  
21 discipline the holder of a vocational nurse license for any reason provided in Article 3  
22 (commencing with section 2875) of the Vocational Nursing Practice Act (Bus. & Prof. Code, §  
23 2840 et seq.).

24 8. Section 2878 of the Code states:

25 "The Board may suspend or revoke a license issued under this chapter [the  
26 Vocational Nursing Practice Act]] for any of the following:

27 "(a) Unprofessional conduct . . . .

28 . . .

1           "(f) Conviction of a crime substantially related to the qualifications, functions,  
2 and duties of a licensed vocational nurse, in which event the record of the conviction shall be  
3 conclusive evidence of the conviction."

4           9.       Section 2878.5 of the Code states:

5           In addition to other acts constituting unprofessional conduct within the meaning  
6 of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person  
7 licensed under this chapter to do any of the following:

8           "(a) Obtain or possess in violation of law, or . . . except as directed by a licensed  
9 physician and surgeon, dentist or podiatrist administer to himself . . . any controlled substance as  
10 defined in Division 10 of the Health and Safety Code . . . .

11           "(b) Use any controlled substance as defined in Division 10 of the Health and  
12 Safety Code . . . to an extent or in a manner dangerous or injurious to himself or herself, any  
13 other person, or the public, or to the extent that the use impairs his or her ability to conduct with  
14 safety to the public the practice authorized by his or her license.

15           "(c) Be convicted of a criminal offense involving possession of any narcotic or  
16 dangerous drug, or the prescription, consumption, or self-administration of any of the substances  
17 described in subdivisions (a) and (b) of this section, in which event the record of the conviction is  
18 conclusive evidence thereof.

19           "(d) Be committed or confined by a court of competent jurisdiction for  
20 intemperate use of or addiction to the use of any of the substances described in subdivisions (a)  
21 and (b) of this section, in which event the court order of commitment or confinement is prima  
22 facie evidence of that commitment or confinement."

23           10.       Section 11030 of the Health and Safety Code provides in pertinent part  
24 that "every person who possesses (1) any controlled substance specified in subdivision . . . (c) . . .  
25 of Section 11054, . . . or specified in subdivision (b) . . . of Section 11055 . . . shall be punished  
26 by imprisonment in the state prison." Section 11032 of the Health and Safety Code defines  
27 "narcotics" as "controlled substances classified in Schedule I or II" as defined in section 11054 or  
28 11055 of that code. Subdivision (c)(11) of Health and Safety Code section 11054 lists heroin as

1 a Schedule I controlled substance, and subdivision (b)(1)(J) of Health and Safety Code section  
2 11055 lists hydrocodone as a Schedule II controlled substance.

3 11. Section 2878.6 of the Code states in pertinent part that “[a] plea . . . of  
4 guilty . . . made to a charge substantially related to the qualifications, functions and duties of a  
5 licensed vocational nurse is deemed to be a conviction within the meaning of this article. The  
6 board may order the license suspended or revoked . . . when the time for appeal has elapsed, or  
7 the judgment of conviction has been affirmed on appeal or when an order granting probation is  
8 made suspending the imposition of sentence, irrespective of a subsequent order under the  
9 provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of  
10 guilty and to enter a plea of not guilty . . . or dismissing the accusation, information or  
11 indictment.”

12 12. California Code of Regulations, title 16, section 2521, states:

13 “For the purposes of . . . suspension, or revocation of a license pursuant to  
14 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or  
15 act shall be considered to be substantially related to the qualifications, functions or duties of a  
16 licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a  
17 licensed vocational nurse to perform the functions authorized by his license in a manner  
18 consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be  
19 limited to those involving the following:

20 . . .

21 “(c) Violating or attempting to violate, directly or indirectly, . . . any provision or  
22 term of Chapter 6.5, Division 2 of the Business and Professions Code [Bus. & Prof. Code, §  
23 2840 et seq.].”

24 . . .

25 “(f) Any crime or act involving the sale, gift, administration, or furnishing of  
26 “narcotics or dangerous drugs” as defined in Section 4022 of the Business and Professions  
27 Code.”

28 13. Business and Professions Code section 4022 defines the phrase

1 “dangerous drug” as “any drug . . . unsafe for self-use in humans . . . , and includes the following:

2 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing  
3 without prescription,’ ‘Rx only,’ or words of similar import.

4 . . .

5 “(c) Any other drug or device that by federal or state law can be lawfully  
6 dispensed only on prescription or furnished pursuant to Section 4006.”

7  
8 14. Section 125.3 of the Code provides in pertinent part that the Bureau may  
9 request the administrative law judge to direct a licentiate found to have committed a violation or  
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
11 and enforcement of the case.

12 FIRST CAUSE FOR DISCIPLINE

13 (Conviction for Drug-Related Crime)

14 15. Respondent is subject to disciplinary action under Code section 2878.5,  
15 subdivision (c) in that Respondent pled guilty to the crime of attempted possession of a  
16 controlled substance in violation of Penal Code section 664 and Health and Safety Code section  
17 11350, subdivision (a). The circumstances are as follows:

18 a. On or about July 11, 2007, at about 8:15 p.m., two police officers  
19 patrolling the North Hollywood area of Los Angeles saw Respondent meet  
20 up with another driver and give cash to the second driver, who then spit  
21 multicolored bindles from his mouth into his hand. The police officers  
22 approached, after which the second driver dropped a small orange balloon  
23 bindle in his car. This bindle contained a tar-like substance consistent  
24 with heroin. One of the officers searched Respondent, and found in one of  
25 Respondent’s pants pockets a cut straw and two paper clips, all with a  
26 black residue consistent with heroin. Respondent was subsequently  
27 arrested, after which he admitted being a heroin user, admitted purchasing  
28 heroin from the second driver on two prior occasions, and admitted that

1 the July 11 encounter would have been a third purchase.

2 b. On or about July 13, 2007, a felony complaint in *People v. Fierros and*  
3 *Bikooyeroi*, Los Angeles County Superior Court Case No. LA056237, was  
4 filed against Respondent and the second driver. Count 4 of the complaint  
5 named Respondent and charged him with attempted possession of the  
6 controlled substance of cocaine/heroin (Pen. Code, § 664; Health & Saf.  
7 Code, § 11350, subd. (a)).

8 c. On or about August 14, 2007, in *People v. Bikooyeroi*, Los Angeles  
9 County Superior Court Case No. LA056237, Respondent entered a plea of  
10 guilty to the crime of attempted possession of a controlled substance, and  
11 the criminal court placed Respondent on a deferred entry of judgment for a  
12 period of two years.

13  
14 SECOND CAUSE FOR DISCIPLINE

15 (Unprofessional Conduct -- Commission of Acts/Crimes Substantially Related to Licensure)

16 16. Respondent is subject to disciplinary action under Code section 2878,  
17 subdivisions (a) and (f); Code section 2878.5, subdivisions (a), (b) and (c); Code section 2878.6;  
18 Code sections 490 and 493; Code section 4022; and California Code of Regulations, title 16,  
19 section 2521, subdivisions (c) and (f), in that Respondent committed the crime of attempted  
20 possession of a controlled substance and was a user of the controlled substance, as set forth in  
21 paragraphs 15, 15.a., 15.b. and 15.c. above and as incorporated by reference, and in that  
22 Respondent was in possession and a user of a controlled substance, Vicodin, which was  
23 prescribed to another person. The circumstances of the Vicodin possession are as follows:

24 a. On or about July 11, 2007, after the police officer searched Respondent, as  
25 alleged in paragraph 15.a. above, the officer searched Respondent's car. In  
26 Respondent's automobile, the officer found a prescription vial in the name  
27 of a Maria Carbajal, and this vial contained white tablets consistent with  
28 Vicodin, which contains hydrocodone, a Schedule II controlled substance

1 (Health & Saf. Code, § 11055, subd. (b)(1)(J). Respondent admitted that  
2 the pills found in his car were Vicodin and that he was planning on using  
3 them as a substitute for heroin.

4 THIRD CAUSE FOR DISCIPLINE

5 (Confinement or Committal for Addiction)

6 17. Respondent is subject to disciplinary action under Code section 2878.5,  
7 subdivision (d) in that the criminal court in the case of *People v. Bikooyeroi*, Los Angeles County  
8 Superior Court Case No. LA056237, placed Respondent under probation. The terms of  
9 Respondent's criminal probation include as follows:

- 10 a. Respondent cooperate with his probation officer in a drug program plan;
- 11 b. Respondent not use or possess any narcotics, dangerous or restricted drugs  
12 or associated paraphernalia, except with a valid prescription;
- 13 c. Respondent stay away from places where users or sellers congregate;
- 14 d. Respondent not associate with drug users or sellers unless attending a drug  
15 treatment program;
- 16 e. Respondent abstain from drinking alcoholic beverages;
- 17 f. Respondent stay out of places where alcoholic beverages are the chief  
18 items for sale; and
- 19 g. Respondent submit to periodic controlled substances testing when  
20 requested by the court-ordered drug program or by any peace officer.

21 FOURTH CAUSE FOR DISCIPLINE

22 (Unprofessional Conduct)

23 18. Respondent is subject to disciplinary action under Code section 2878,  
24 subdivision (a) in that Respondent engaged in unprofessional conduct, as set forth in paragraphs  
25 15, 15.a., 15.b., 15.c., 16 and 16.a. above and as incorporated by reference.

26  
27 PRAYER

28 WHEREFORE, Complainant requests that a hearing be held on the matters herein

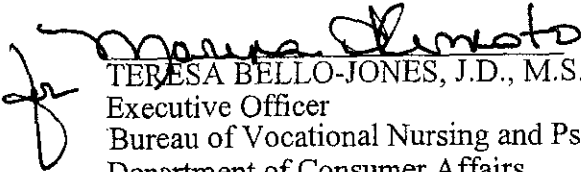
1 alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

2 1. Revoking or suspending Vocational Nurse License Number VN-224817,  
3 issued to Respondent;

4 2. Ordering Respondent to pay the Bureau the reasonable costs of the  
5 investigation and enforcement of this case, pursuant to Code section 125.3; and

6 3. Taking such other and further action as deemed necessary and proper.  
7

8 DATED: July 22, 2008  
9

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11   
12 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
13 Executive Officer  
14 Bureau of Vocational Nursing and Psychiatric Technicians  
15 Department of Consumer Affairs  
16 State of California  
17 Complainant  
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